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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/430,234	10/29/1999	RAINER WOLFGANG LIENHART	042390.P7333	6961

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EXAMINER

YENKE, BRIAN P

ART UNIT PAPER NUMBER

2614

DATE MAILED: 03/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/430,234

Applicant(s)

LIENHART ET AL.

Examiner

BRIAN P. YENKE

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on Amendment/RCE (31 Jan 05).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Applicant's arguments with respect to claims 1-19 have been considered but are not persuasive.

#### ***Applicant's Arguments***

*a) Applicant states that neither Newman nor Liaguno discloses organizing images or associated text as hierarchical shot clusters.*

#### ***Examiner's Response***

b) The examiner disagrees. In considering the combination of Newman and Liaguno, Newman discloses everything except converting the annotations into searchable annotations using a voice-to-text conversion system, which was taught by Liaguno. Regarding the organization of such annotations, as stated below in the rejection Newman already categorizes/ranks/groups the media based upon the event/scene.

It is also noted by the examiner that the rejection below was based upon the broadest interpretation of the claimed invention. Thus although, the applicant states in the specification that hierarchical pertains to the duration of the event, the claims do not state/reflect as such, thus a rejection is being provided as shown below.

#### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 31 Jan 05 has been entered.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-19 are rejected under 35 U.S.C. as being unpatentable over Newman et al., US 6,154,600 in view of Liaguno et al., US 5,729,741.

In considering claims 1, 6, 10 and 16,

*a-c) the claimed receiving a video signal* is met by the graphical user interface (GUI) (Fig 14) where the GUI can capture a variety of sources to include, a camcorder 586, VCR 588, auxiliary audio TV, CD-ROM/DVD and digital camera 590.

*b) the claimed receiving a first audio signal containing annotations* is met where the graphical user interface can capture additional audio via auxiliary audio (capture 584) and also add audio video via storyboard 592, which allows edit, playback and record shots, including audio shots (col 14, line 18-22).

However, Newman does not specifically disclose converting the annotations into searchable annotations using a voice-to-text conversion system.

Newman does disclose a system that can manipulate hypermedia, where hypermedia refers to the integration of text, graphics, sound, video and other data, or any combination into a system which can be stored and retrieved (col 5, line 47-52). Newman also discloses that audio is synchronized to video by reference to a master pixel clock (col 18, line 57-59). Regarding the annotations organized as hierarchical shot clusters, Newman does disclose ranking/grouping (i.e. hierarchical) the media based upon the event/scene (i.e. GreekCity, Forest, Horse, Lightening etc) (see Fig 9). Newman also discloses a system which lets the user input the type of information, i.e. "OUR SUMMER VACATION", which is displayed in the center of the window 408 (Fig 12). Thus given the broadest interpretation of the claimed invention "hierarchical" is met by Newman which discloses grouping the media based upon the event/scene.

The conversion of voice (audio, sound) to text, where the converted information is searchable is conventional in the art.

The examiner incorporates Liaguno which discloses a system for storage and retrieval of text, pictures, video and audio where the source of information (text, pictures, video and audio) are converted to text. Thus Liaguno provides a system where a user is able to search (via text) the desired source of information, in order to provide the user rapid retrieval of any type of data (col 2, lines 32-42).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Newman which discloses a video home editing system, which can edit/cut/insert/reproduce hypermedia including graphics, text and audio annotations (col 14, line 17-19), with Liaguno, to also convert the audio to searchable

text, in order to provide the user the ability to retrieve a desired segment, whether text, video, audio etc... of the hypermedia, which would provide the user rapid retrieval of a selected segment.

In considering claims 2, 7, 11 and 17,

However, neither Newman nor Liaguno disclose removing the annotations from the second audio signal (signal 120).

Newman discloses a media editor where the user is able to add/insert/delete/remove hypermedia to an existing hypermedia file by using graphical user interface 400 (Fig 9, Fig 14).

Thus based on the type of hypermedia being edited (i.e. home video), the user could create a hypermedia (home video) where the scene/background audio (2<sup>nd</sup> audio signal) is removed in order to provide additional/auxiliary audio in lieu of background/scene audio, thus removing its annotations from the second audio signal.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Newman and Liaguno which discloses that hypermedia can be edited by deleting/removing data (video, text and audio etc), where the image data is converted/searchable via text, to form an edited hypermedia medium by also deleting the annotations of the second audio signal, in order to provide the user the ability to search the desired clips via annotations audio (auxiliary/narrated) or the received video.

In considering claim 3, *the claimed utilizing a least-mean square algorithm*

As discussed above in claim 3, neither Newman nor Cruz disclose removing annotations from the second audio signal, nor removing by using a least-mean square algorithm.

The applicant states in the specification, that the least-mean square (LMS) algorithm is a conventional algorithm, and also (page 12, line 5-12) that annotations may be removed by a variety of methods or algorithms.

Therefore, it would have been obvious design choice to one of ordinary skill in the art at the time of the invention to modify the Newman/Liaguno combination which discloses editing and searching hypermedia, by utilizing an algorithm such as a LMS algorithm in removing annotations from the second audio signal, in order to provide an editing hypermedia which removes undesired audio and allows the user to insert additional/auxiliary audio if desired.

In considering claims 4, 8, 12 and 18, 1) *the claimed generating a center text title...* 2) *the claimed generating a scrolling text banner...*

Newman discloses a system which uses a non-linear home media editor system, which allows the user to develop a audio/video information from either multiple devices, to include recorder, VCR, TV, CD-ROM/DVD, digital camera, storyboards, internet, etc... Newman also discloses a system which lets the user input the type of information, i.e. "OUR SUMMER VACATION", which is displayed in the center of the window 408 (Fig 12). Newman also discloses the use of scrolling text overlays, by moving prerendered graphical objects onto an image from a variety of hypermedia sources (col 12, line 17-23).

In considering claims 5, 9, 13 and 19,

*The claimed generated a video abstract via the first and second audio signals, the video signals and the searchable annotations* is met where the editing hypermedia created, generates a video abstract, where the audio signal(s), video signal(s) and other media which is included/added/inserted into the unedited hypermedia is combined to form a desired hypermedia. As shown in Fig 11, the edited hypermedia "Vacation" (444), is broken down into appropriate storyboards for the user which may be edited/viewed.

In considering claim 14,

*The claimed wherein the video signal is received from a video recorder* is met by Newman which discloses receiving video via camcorder 586, VCR 588 and digital camera 590 (Fig 14).

In considering claim 15,

*The claimed wherein the first and second audio signals are received from at least one microphone* is met where Newman discloses the reception of audio/video via camcorder 586, VCR 588 and also auxiliary audio.

### **Conclusion**

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure—please refer to newly cited references on attached form PTO-892.



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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Yenke whose telephone number is (571)272-7359. The examiner work schedule is Monday-Thursday, 0730-1830 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John W. Miller, can be reached at (571)272-7352.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314**

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703)305-HELP.

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also allows the submission of Computer Readable Format (CRF) sequence listings for pending biotechnology patent applications, which were filed in paper form.



B.P.Y.  
28 March 2005



BRIAN P. YENKE  
Primary Examiner  
Art Unit 2614